

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BLUE SPIKE, LLC,**

***Plaintiff,***

**v.**

**TEXAS INSTRUMENTS, INC., et al.,**

***Defendants.***

**Civil Action No. 6:12-CV-499-LED**  
(Consolidated from 6:12-CV-527)

## JURY TRIAL DEMANDED

**PLAINTIFF’S REPLY IN RESPONSE TO DEFENDANT  
FREE STREAM MEDIA CORP.’S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Free Stream Media Corp. (“Free Stream” or “Defendant”) (Dkt. No. 21) as follows. All allegations not expressly admitted or responded to by Plaintiff are denied.

## PARTIES

1. Plaintiff admits the allegations of Paragraph 1, upon information and belief.
2. Plaintiff admits the allegations of Paragraph 2.

## JURISDICTION AND VENUE

3. Plaintiff admits that this Court has subject matter jurisdiction over Defendant's declaratory judgment claims.
4. Plaintiff admits the allegations of Paragraph 4.
5. Plaintiff denies the allegations of Paragraph 5.
6. Plaintiff admits that there is an actual controversy.
7. Plaintiff admits that it is subject to personal jurisdiction in this Court.
8. Plaintiff admits that venue is proper in this District.

**COUNT ONE**

9. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 8 above.
10. The allegations in Paragraph 10 are admitted.
11. The allegations in Paragraph 11 are denied.
12. The allegations in Paragraph 12 are denied.

**COUNT TWO**

13. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 12 above.
14. The allegations in Paragraph 14 are denied.
15. The allegations in Paragraph 15 are denied.

**REQUEST FOR RELIEF**

Plaintiff denies that Defendant is entitled to any of the relief it requests.

**PLAINTIFF'S PRAYER FOR RELIEF**

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Dated: November 2, 2012

Respectfully submitted,

/s/ Randall T. Garteiser  
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***Counsel for Blue Spike, LLC***

**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser  
Randall T. Garteiser